

REMARKS

The Examiner is thanked for extending the courtesy of a telephone interview to Applicant's representative on May 21, 2004.

Reconsideration and allowance of this application are respectfully requested.
Currently, claims 1-34 are pending in this application.

Information Disclosure Statement:

Applicant filed a Submission of Corrected Form PTO-1449 on December 4, 2001. The corrected Form PTO-1449 cited related U.S. application no. 09/840,877 filed April 25, 2003 to Maki et al. The corrected Form PTO-1449 also cited documents EP 0 987 423 and JP 62-291 537 thereby correcting the misnumbering of these documents on the Form PTO-1449 filed on October 22, 2001.

Applicant notes with appreciation, the Examiner's indication that the number EP 0 987 423 has been corrected. In particular, the Form PTO-892 accompanying the May 8, 2003 Office Action correctly lists document no. EP 0 987 423.

While Applicant notes the citation of U.S. Patent No. 6,553,289 (resulting from USSN 09/840,877), Applicant notes that USSN application no. 09/840,877 on Form PTO-1449 has not been initialized. Applicant therefore respectfully requests initialization of USSN 09/840,877 cited on the Form PTO-1449.

The Office Action apparently indicates that document JP 62-291 537 has been initialized. However, Applicant fails to see any initialization of this correct document number on a Form PTO-1449 or citation of this document number on a Form PTO-892.

Applicant therefore respectfully requests appropriate citation so that the record is clear that this reference has been considered.

Rejection Under 35 U.S.C. §112:

Claims 27-34 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action inquired “How can the output of the malfunction detection operation of each of said at least one diagnosis target be categorized into at least three levels, which include, normal, temporarily abnormal, and abnormal?” By this Amendment, claims 27-34 have been revised to recite that the target is categorized into one selected from the at least three levels. Accordingly, Applicant submits that the rejection of these claims under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejection Under 35 U.S.C. §102:

Claims 1-26 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Shimizu et al (EP ‘423, hereinafter “Shimizu”). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Applicant submits that Shimizu fails to disclose all of the claimed limitations. For example, Shimizu fails to disclose or even suggest controlling a malfunction indicator light (MIL) in such a manner that operation of the MIL is selected from one of the following possible conditions: lighting-on, flashing

MAKI et al
Application No. 09/982,988
June 4, 2004

and lighting-off, as required by independent claims 1, 7, 10, 11, 14, 20, 23 and 24 and their respective dependents.

In contrast to the present invention, Shimizu merely discloses lighting-on and lighting-off of an MIL. Shimizu does not disclose flashing of the MIL as a possible condition (see, e.g., paragraphs [0031], [0037] and [0047] of Shimizu).

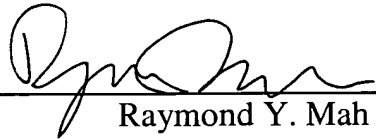
Accordingly, Applicant respectfully submits that claims 1-34 are not anticipated by Shimizu and respectfully requests that the rejection of these claims under 35 U.S.C. §102 be withdrawn.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Raymond Y. Mah
Reg. No. 41,426

RYM:sl
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4044
Facsimile: (703) 816-4100